

Message Text

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ACTION DLOS-05

INFO OCT-01 IO-10 ISO-00 FEA-01 ACDA-10 AGR-10 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-02 OFA-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-04 ERDA-07 FMC-02 H-02

INR-07 INT-05 JUSE-00 L-02 NSAE-00 NSC-05 NSF-02

OES-05 OMB-01 PA-02 PM-03 PRS-01 SP-02 SS-15 USIA-15

OIC-02 AF-06 ARA-10 EA-10 EUR-12 NEA-09 /183 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC 1699

UNCLAS GENEVA 2150

FROM USDEL LOS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: COMMITTEE I WORKING GROUP SECOND MEETING 20 MARCH

1. IN COMMITTEE WORKING GROUP MEETING CHAIRED BY PINTO (SRI LANKA), DELEGATIONS CONSIDERED SUBJECT 11, QTE SELECTION OF ENTITIES, UNQTE OF CP/WORKING PAPER NO. 2 OF 18 MARCH 1975, QTE PROPOSALS REGARDING CONDITIONS OF EXPLORATION AND EXPLOITATION. UNQTE. DEBATE CENTERED ON TWO APPROACHES, FIRST-COME FIRST-SERVED AND SELECTION BY AUTHORITY ON COMPETETIVE BASIS, LATTER INCLUDING CRITERIA TAKING INTO ACCOUNT NEED FOR DIRECT PARTICIPATION OF LDC'S AND BENEFIT OF MANKIND.

2. US (RATINER) STATED NEED FOR BASIC CONDITIONS BOTH TO PROVIDE GUIDANCE IN FORMULATION OF RULES AND REGULATIONS AND TO CIRCUMSCRIBE AUTHORITY'S DISCRETION. MORE DETAILED PROVISIONS WERE ALSO NEEDED IN ORDER TO PERMIT MINING

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OPERATIONS TO BEGIN AS SOON AS AUTHORITY WAS ESTABLISHED.

ON SELECTION OF ENTITIES, HE STRESSED NEED FOR NONDISCRIMINATION AMONG QUALIFIED SOVEREIGN STATES AND ARGUED THAT RIGHT OF AUTHORITY TO SELECT AMONG QUALIFIED STATES WOULD DENY THOSE STATES ACCESS TO RESOURCES. IN RESPONSE TO PERU REP'S STATEMENT THAT AUTHORITY SHOULD HAVE RIGHT TO NEGOTIATE WITH QUALIFIED APPLICANTS IN ORDER TO GET BEST DEAL, HE PROPOSED THAT BASIC CONDITIONS AND TREATY WOULD REQUIRE FAIR RETURN TO AUTHORITY SO THAT ALL QUALIFIED APPLICANTS WOULD BE OFFERING BEST DEAL.

3. SINGAPORE, AFTER AFFIRMING SUPPORT FOR GROUP OF 77 DRAFT, STATED SOLITARY APPLICANT SHOULD AUTOMATICALLY BE ACCORDED RIGHT TO MINE, BUT WITH MORE THAN ONE APPLICANT, COMPETITIVE SELECTION SYSTEM BASED ON OBJECTIVE CRITERIA, WITH PARTICULAR REFERENCE TO LANDLOCKED STATES AND LDC'S SHOULD BE USED. BRAZIL EMPHASIZED THAT SINGLE APPLICANT SHOULD NOT AUTOMATICALLY BE ACCORDED RIGHT TO MINE IF ITS ACTIVITIES WOULD NOT MEET INTERESTS OF ALL MANKIND. THAILAND AND ZAMBIA ALSO REJECTED FIRST-COME FIRST-SERVED BASIS OF SELECTION AS UNACCEPTABLE AND IMPRACTICABLE.

4. DISCUSSION OF KINDS OF OBJECTIVE CRITERIA THAT MIGHT BE USED IN SELECTION INCLUDED JAMAICA'S PROPOSING AMOUNT OF TECHNOLOGY TRANSFER AND FINANCIAL PAYMENTS INTENDED BY APPLICANT. ALSO UK PROPOSED OBJECTIVE CRITERIA FOR SELECTION IN CASE OF COMPETITION BASED ON PRESENTATION OF DATA, PROGRAM OF WORK, FINANCIAL AND TECHNICAL COMPETENCE AND WORK REQUIREMENTS OFFERED.

5. EXCHANGE BETWEEN US (RATINER) AND PERU ON WHETHER AUTHORITY SHOULD HAVE RIGHT TO DECIDE AREAS TO BE OPENED FOR EXPLOITATION INCLUDED US STATEMENT THAT, PARTICULARLY IN EARLY YEARS, AUTHORITY WOULD NOT HAVE SUFFICIENT KNOWLEDGE TO SELECT MOST ECONOMIC AREAS FOR EXPLOITATION AND THAT MOST COUNTRIES USED SYSTEM WHEREBY EXPLORER DESIGNATED AREA HE WISHED TO EXPLOIT. PERU COUNTERED BY EXPLAINING THAT IN HIS VIEW AUTHORITY SHOULD BE EMPOWERED TO DECIDE WHICH PART OF DEEP SEABED TO OPEN, BASED ON UNCLASSIFIED

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INTEREST EXPRESSED BY OPERATORS (SIMILAR TO US OCS PROCEDURE).

6. THAILAND EXPRESSED VIEW THAT LDC'S MIGHT FEEL MORE WILLING TO COMPROMISE ON BASIC CONDITIONS, IF AMENDMENT PROCEDURE FOR THEM WOULD BE MORE RELAXED THAN FOR TREATY.

7. IN CLOSING, PINTO STATED NEED TO HAVE BASIC CONDITIONS

IN TREATY TO ENABLE AUTHORITY TO FUNCTION STATISFACTORILY
IN ENETERING ARRANGEMENTS WITH PARTICULAR ENTITIES, AND
INDICATED DIVERGENCE OF VIEWS WITHOUT ATTEMPTING TO
SUMMARIZE THEM IN DETAIL. PINTO INDICATED NEED TO PROCEED
MORE QUICKLY AND TO REACH AGREEMENT IN SMALL OPEN-ENDED
INFORMAL WORKING GROUPS. DALE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, COMMITTEE MEETINGS, MEETING DELEGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA02150
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750107-0233
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750315/aaaaamsq.tel
Line Count: 121
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: hartledg
Review Comment: n/a
Review Content Flags:
Review Date: 19 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 JUN 2003 by leeperne>; APPROVED <01 MAR 2004 by hartledg>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: COMMITTEE I WORKING GROUP SECOND MEETING 20 MARCH
TAGS: PLOS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006